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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,393	09/16/2004	Tzu-Kan Chen	09670-US-PA	5392
31561	7590	07/25/2005	EXAMINER	
JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE 7 FLOOR-1, NO. 100 ROOSEVELT ROAD, SECTION 2 TAIPEI, 100 TAIWAN			DINH, JACK	
			ART UNIT	PAPER NUMBER
			2873	

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 10/711,393	Applicant(s) CHEN, TZU-KAN	
	Examiner Jack Dinh	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>DETAILED ACTION</u> |

DETAILED ACTION

Drawings

Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 3, the phrase "concave surface" lacks antecedent basis.

Regarding claims 4-7, the phrase "aspheric lens" renders the claim indefinite. Since both lenses are aspheric, it is unclear which aspheric lens is being referred to. For examination purpose, the rejections below are based on the broadest possible interpretation.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi et al. (US Patent 6,885,508) in view of Nakajoh (US Patent 2003/0025826).

Regarding claim 1, Yamaguchi (figure 2) is interpreted as disclosing an optical image device, suitable for capturing an image of an object comprising a lens module, having a molded glass (col. 4, lines 36-48) aspheric lens **L1** and one aspheric lens **L2**, the molded glass aspheric lens is located at one side near the object, an infrared cut coating **G** (figure 7), an image sensor **51**, disposed at back of the lens module to capture the image of the object. Yamaguchi is interpreted as disclosing all the claimed limitations except that the infrared cut coating is formed on the molded glass aspheric lens. Within the same field of endeavor, Nakajoh (figure 2) is interpreted as disclosing the teaching of an infrared cut coating **16B** formed on the surface of the lens **16A**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the

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invention was made to apply the infrared cut coating on the molded glass aspheric lens, for the purpose of cutting off infrared rays and decreasing the influence of infrared rays on image.

Regarding claim 2, Yamaguchi is interpreted as further disclosing that the molded glass aspheric lens includes a meniscus lens with a convex surface facing to the object (col. 1, lines 52-55).

Regarding claim 3, Yamaguchi in view of Nakajoh is interpreted as disclosing all the claimed limitations, as described above except that the IR cut coating is formed on the concave surface. However, the device comprises only two lenses. With a total of 4 surfaces from the two lenses, the possible choices in placing the IR coating on one of the surfaces is very limited, which can be easily found by experimentation. It is considered not inventive to discover the optimal condition by experimentation. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the infrared cut coating on the concave surface, or perhaps other lens surfaces, for the purpose of cutting off infrared rays and decreasing the influence of infrared rays on image.

Regarding claim 4, Yamaguchi is interpreted as further disclosing that the aspheric lens includes an aspheric meniscus lens (col. 1, lines 51-58).

Regarding claims 5 and 6, Yamaguchi is interpreted as further disclosing that the aspheric lens includes a plastic lens or a glass-molding lens (col. 4, lines 36-48).

Regarding claim 7, Yamaguchi is interpreted as further disclosing that the aspheric lens has a positive focal length (col. 1, lines 51-58).

Regarding claim 9, Yamaguchi (figure 7) is interpreted as further disclosing that the lens module has a stop S located between the molded glass aspheric lens and the object.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi et al. (US Patent 6,885,508) in view of Nakajoh (US Patent 2003/0025826), as applied in claim 1, and further in view of Jo et al. (US Patent 6,853,504).

Regarding claim 8, Yamaguchi in view of Hakajoh is interpreted as disclosing all the claimed limitations, as described above except that the stop is located between the first and second lens. Within the same field of endeavor, Jo (figure 2) is interpreted as disclosing an imaging device comprises two lenses wherein a stop is located between the lenses. Furthermore, in simple lens system such as claimed, there are very few positions where the stop can be placed. All of which are obvious to one skilled in the art and can be experimented depending on the quantity of light needed for specific application. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to position the stop between the first and second lens for the purpose of adjusting the quantity of light.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi et al. (US Patent 6,885,508) in view of Nakajoh (US Patent 2003/0025826), as applied in claim 1, and further in view of the Applicant's admitted prior art.

Regarding claim 8, Yamaguchi in view of Hakajoh is interpreted as disclosing all the claimed limitations, as described above except for the cover glass formed on the imaged sensor. Within the same field of endeavor, the Applicant's admitted prior art (figure 2) is interpreted as disclosing a cover glass **108** formed on the image sensor **104**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a cover glass for the purpose of covering the image sensor from the lens mechanism.

Conclusion

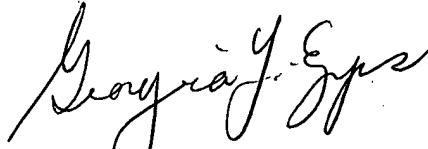
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Dinh whose telephone number is 571-272-2327. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jack Dinh


Georgia Epps
Supervisory Patent Examiner
Technology Center 2800